IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 26225 of 2003

Between:

Kesani Nagendramma, W/o. Satyanarayana,
R/o. H.No. 2-3-15/A, Upparapalem, Bapatla Town, Guntur District.

..... PETITIONER

AND

1 State Bank of India, Bapatla Branch, Agriculture College Road,
Bapatla Town, Guntur District, Rep. by its Chief Manager.
2 Pathakota Koteswara Rao, S/o. Bhavanarayana,
R/o. D.No. 6-6-25, Gattavari Street, Old Bus Stand, Bapatla,

Guntur District,
3 Pathokata Ramakrishna, S/o. Bhavanarayana,
Gattavari Street, Old Bus Stand, Bapatla, Guntur District,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in seeking to evict me in pursuance of the notice issued under section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as illegal, arbitrary and one without jurisdiction and consequently direct the 1st respondent not to dispossess the petitioner except according to due process of law.

Counsel for the Petitioner:MR.M.SESHATALAPA SAI

Counsel for the Respondent No.1: MRS.P.BALA RANI

Counsel for the Respondents 2 and 3: Mr.K.M.J.D.Syama Sunder

The Court made the following :

ORAL ORDER: (per Hon'ble Sri Devinder Gupta, the Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ.

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30th July, 2004 C.V.RAMULU, J

Tvr

To

1. The Chief Manager, State Bank of India, Bapatla Branch, Agriculture College Road, Bapatla Town, Guntur District.

2. 2 CD copies.